

DOCKETED

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

OCT 19 1973

H. STUART CUNNINGHAM
At.....o'clock.....
CLERK

ALLIED LEISURE INDUSTRIES, INC.,)
Plaintiff,)
vs.) Civil Action No.
MIDWAY MANUFACTURING CO.,) 73 C 2682
Defendant.)

AFFIDAVIT OF GEORGE T. BLAHUTA

GEORGE T. BLAHUTA, being duly sworn, states:

1. He resides at 7645 West Irving Park Road in Chicago and is Chief Electronics Engineer for Midway Manufacturing Co., Defendant, hereinafter called MIDWAY, a position he has held for approximately 5 years. In that position, he is responsible for the design and development of electronic circuitry including printed circuit boards for use in amusement devices manufactured and sold by Midway including two and four player ping pong games.

2. He is a graduate of Northwestern University with a Bachelor of Science in Electronic Engineering awarded in 1962. For the period of the last ten years, he has been directly involved with the design of printed circuit boards and logic circuits for use in connection with equipment in amusement devices.

3. In connection with MIDWAY'S two player ping pong games, he consulted with Atari, Inc., of Santa Clara, California, hereinafter referred to as ATARI, as a contact between ATARI and Bally Manufacturing Corporation, the parent company owning MIDWAY and hereafter called BALLY, providing for ATARI to design for BALLY games suitable for manufacture and sale by MIDWAY and BALLY. Under such contract, ATARI designed a printed circuit board which was manufactured and sold by MIDWAY and ATARI in two player ping pong games.

4. Subsequent to the manufacture and sale of the two player ping pong games by ATARI, Allied Leisure Industries, Inc., Plaintiff, hereinafter called ALLIED, offered for sale a two player ping pong game which has been examined by him and which contained a printed circuit board substantially identical with the printed circuit board designed by ATARI and manufactured and sold by ATARI and MIDWAY in two player ping pong games.

5. Subsequent to the manufacture and sale of the two player ping pong games by MIDWAY, ALLIED and ATARI, ALLIED offered for sale a four player ping pong game with a printed circuit board.

6. He has examined the ALLIED four player game and obtained and examined a sample of the printed circuit board in such game. As a result of his examination, he concluded that approximately 80% of that board was copied from the previous ATARI and ALLIED player boards in the arrangement of the parts and functions and included, in addition, only circuitry needed to add two more players for the ping pong games.

7. The components of the ALLIED four player board are standard commercially available components with dimensions and locations dictated by industry standards and are similar to those used previously in the ATARI, MIDWAY and ALLIED printed circuit boards for the respective two player games.

8. Subsequently, under his supervision, a printed circuit board was designed for a four player ping pong game for manufacture and sale by MIDWAY. Because of the similarities between the printed circuit board for the ATARI two player game and the board of the ALLIED four player game including components, functions, and locations of parts, the ALLIED board was examined during the design of the MIDWAY printed board, but original art work was prepared for the MIDWAY board and neither photographs nor tracings of the ALLIED board were made or used in the design of the MIDWAY board. Neither he nor, to the best of his knowledge, anyone else under his supervision involved in the design of the MIDWAY four player

board has ever seen any drawings, photographs, tracings or wiring diagrams of the ALLIED four player printed circuit board.

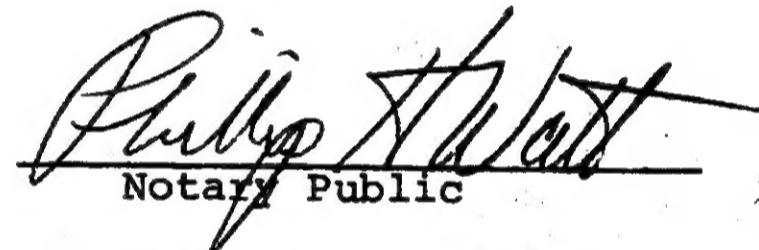
9. He has personally attempted to place an ALLIED printed circuit board in the MIDWAY four player ping pong game and, conversely, has attempted to place a MIDWAY printed circuit board in a four player ALLIED ping pong game. In each instance, he found that, although the board was insertable physically the game failed to operate. From this, it has been concluded that the boards are not interchangeable in function.

10. During the design of the MIDWAY four player printed circuit board, he examined the ALLIED four player printed circuit board with the purpose of obtaining the same functions in the MIDWAY four player game as were present in the ALLIED four player game. During this effort, he noted that some of the holes and lines of the ALLIED board appeared to have no function and he instructed the designer of the art work for the MIDWAY board not to include in the MIDWAY board corresponding holes and lines.

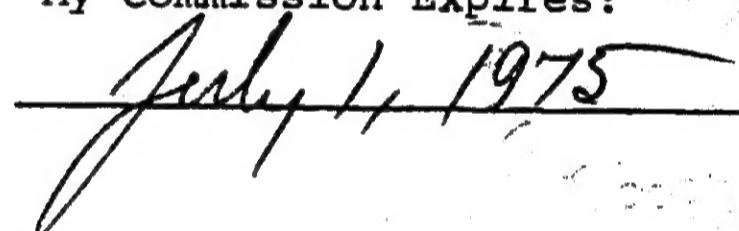
In addition, functions not possible with the components of the ALLIED game were included in the MIDWAY game by the design of MIDWAY board circuitry which was not present in the ALLIED board.


George T. Blahuta

Subscribed and sworn to before me this 19th day of
October, 1973.


Philip Watt
Notary Public

My Commission Expires:


July 1, 1975